

REMARKS

Applicant has amended Claims 1, 2, 8 and 11. Applicant submits support for the amendment can be found generally throughout the Application, specifically at page 5, lines 20-33, in the Examples, and at page 16, lines 4-9. Applicant submits no new matter has been added by the present amendment.

Applicants further submit, as discussed with Examiner Lee on August 4, 2005, the Notice of Abandonment dated August 1, 2005 was sent in error and accordingly should be withdrawn.

Rejection under 35 U.S.C. §103(a)

Claims 1-8 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hert et al. (U.S. Patent No. 5,985,392) in view of Fujii et al. (EP 0 933 381). Applicant respectfully traverses this ground of rejection.

Applicant submits "in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claims limitations. The teachings or suggestions to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicants' disclosure." See MPEP § 2142, citing In re Vaeck, 947 F.2d 488, 20 USPQ 2d. 1438 (Fed. Cir. 1991).

The present invention is directed to a rubber mixture comprising at least one carboxylated hydrogenated nitrile rubber and optionally a nitrile rubber, from 10 to 120 phr of one or more metal salts of an acrylate, from 5 to 80 phr of one or more liquid acrylates optionally applied onto a support, from 0.01 to 8 phr of one or more silanes, and optionally further additives and/or fillers.

Hert et al. discloses a composite including a rubber thermoplastic blend adherent to a thermoplastic material. According to Hert et al. suitable elastomers in the blend includes NR, SBR, BR, halogenated IIR, HNBR, an acrylic elastomer and functionalized elastomers such as X-NBR. See Column 4, lines 24-41. Further, Hert et al. only discloses in the Examples the use of X-NBR and a wax containing 2 phr zinc acrylate. See Example 4.

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Applicant submits Hert et al. does not teach or suggest a rubber mixture as claimed, namely a rubber mixture of HXNBR, a metal salt of an acrylate in an amount as claimed, nor a liquid acrylate. Accordingly, Applicant submits Hert et al. fails to teach or suggest the claimed invention.

Applicant further submits the deficiencies of Hert et al. are not overcome by combination with Fujii et al. Fujii et al. discloses highly saturated carboxylated nitrile rubbers which may be crosslinked with a sulfur crosslinking agent used in combination with a crosslinking accelerator, such as zinc oxide and active zinc, etc.

Further Fujii et al. teaches that when an organic peroxide crosslinking agent is used it is preferred to use a crosslinking aid such as trimethylolpropane trimethacrylate, etc. See Paragraph 72. Applicant submits that while Fujii et al. may teach the use of acrylates and active zinc, a metal salt of an acrylate as claimed is not the equivalent of the use of an active zinc compound and an acrylate separately in a rubber mixture. Zinc acrylate does not form in a rubber mixture upon adding an active zinc compound and an acrylate.

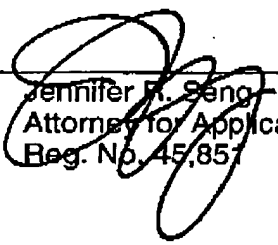
Fujii et al. does not teach or suggest a rubber mixture comprising a hydrogenated carboxylated nitrile rubber and from 10 to 120 phr of one or more metal salts of an acrylate and from 5 to 80 phr of one or more liquid acrylates optionally applied onto a support.

Further, Applicant submits Hert et al. in combination with Fujii et al. fails to teach each and every element of the claimed invention, namely a rubber mixture comprising a hydrogenated carboxylated nitrile rubber and from 10 to 120 phr of one or more metal salts of an acrylate and from 5 to 80 phr of one or more liquid acrylates optionally applied onto a support.

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